

10/016,001T075A/TELNP333USREMARKS

Claims 1-4 and 16-23 are currently pending in the subject application and are presently under consideration. Claim 1 has been amended as shown on page 2 of the Reply to emphasize novel aspects of the invention. Claims 2, 3, and 4 have been amended to correct minor informalities. New claims 26 – 33 have been added. A listing of all claims can be found at pages 2-5. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-3 and 16-23 Under 35 U.S.C. §103(a)

Claims 1-3 and 16-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hudetz *et al.* (US Patent 5,978,773) in view of Barnett *et al.* (US Patent 6,336,099). It is submitted that this rejection be withdrawn for at least the following reasons. Neither Hudetz *et al.* nor Barnett *et al.*, alone or in combination, teach or suggest applicants' claimed invention.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. *Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.* See MPEP §706.02(j).

The subject invention as claimed relates to providing demographic information about a consumer to a product manufacturer by *utilizing data packet information that transfers the information inquiry to the manufacturer*, or by utilizing information transferred *within the web page request*, or by *employing a Domain Name Service to translate Internet Protocol mapping information*, as respectively recited in independent claims 1, 16 and 22. Neither of the cited references teaches nor suggests this feature of the claimed invention.

Hudetz *et al.* relates to a system and method for using identification codes found on ordinary articles of commerce to access remote computers on a network. As conceded by the

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examiner, Hudetz *et al.* does not teach providing the demographic information of a consumer to the manufacturer by utilizing the information inquiry or by utilizing information transferred within the web page request and Barnett *et al.* is relied upon to overcome the deficiencies of Hudetz *et al.*

Barnett *et al.* relates to a method and system for the electronic distribution of product redemption coupons to remote personal computers located at users' homes. The user's demographic as well as coupon selection data is provided back to the online service for subsequent marketing analysis. Barnett *et al.* describes collecting the demographic information from the user explicitly, "....*in order to request certain demographic data from the user*" The user *has the option of providing the requested information if he so desires.*" Thus, users demographic data in Barnett *et al.* is collected in a separate dialog session that is initiated by the server on receiving a product information inquiry, but not within the web page request that transmits the product information inquiry from the client to the online service provider. (See e.g., col. 4, lns. 17-18; col. 8, lns. 33-37; col 9, lns. 46-53).

Combining Barnet *et al.* with Hudetz *et al.* as suggested in the Office Action, will result in a system wherein a user *initially provides demographic* information to a coupon service provider, followed by printing out the downloaded coupons for presenting to a system that employs an article's UPC to access remote computers on a network. Such is not supplying demographic information to suppliers as a result of an *information inquiry/request*, as in applicants' claimed invention.

From the foregoing it is clear that neither of the references contemplated such a seamless method of capturing and conveying a consumer's demographic information to a manufacturer, whereby a scanned bar code of a product can be used to access the manufacturer's website for a product information inquiry and in the process, the demographic information of the consumer can be captured and conveyed to the manufacturer *by utilizing data packet information that transfers the information inquiry to the manufacturer.* Moreover, it is noted that even if the references are combined, applicants' claimed invention does not result. Therefore, the cited references either separately or in combination fail to make the obvious the subject claims. Hence it is requested that this rejection be withdrawn and the subject claims allowed.

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II. Rejection of Claim 4 Under 35 U.S.C. §103(a)

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hudetz *et al.* and Barnett *et al.* and further in view of Kaplan *et al.* (U.S. Patent 5,963,916). This rejection should be withdrawn for at least the following reasons. None of the cited references teach or suggest all limitations recited in the subject claim.

Claim 4 depends from independent claim 1 and, as stated *supra*, neither Hudetz *et al.* nor Barnett *et al.* teach or suggest all limitations of claim 1 and Kaplan *et al.* fails to make up for the aforementioned deficiencies. Independent claim 1 recites a method of conveying a consumer's demographic information to a manufacturer, whereby a scanned bar code of a product can be used to access the manufacturer's website for a product information inquiry and in the process, the demographic information of the consumer can be captured and conveyed to the manufacturer *by utilizing data packet information that transfers the information inquiry to the manufacturer.* Kaplan *et al.* relates to on-line network web site for interactive preview of a portion of a pre-recorded product by the user but does not teach or suggest providing demographic information about the consumer to the product manufacturer by utilizing data packet information transferred to the manufacturer as a result of the information query, as claimed.

Based on at least the foregoing, none of the cited references teach or suggest all claim limitations. Accordingly, withdrawal of this rejection is respectfully requested.

III. New Claim 26-33

Newly added dependent claims 26-33 emphasize novel aspects of the invention discussed *supra* in connection with claims 1-4 and 16-23. Accordingly these claims are patentably distinct over the art of record for at least the same reasons as are claims 1-4 and 16-23.

10/016,001T075A/TELNP333US**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [TELNP333US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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